

Remarks

For the Specification:

The 26 August 2003 Office Action objects to the use of the terms "ballistic" and "bullet-shaped" to describe the shape of the tip of the fastener. As suggested in the Office Action, this Amendment has amended the term "ballistic" in the specification to the term "ogival-shaped." Since FIGs. 1, 5, 6, and 7 clearly depict an ogival-shaped tip for the fastener, no new subject matter is introduced by these amendments.

The Applicant recognizes that the term "ogival" is used by Hoepker et al., U.S. Patent No. 5,621,770 (hereinafter Hoepker) to describe the shape of a fastener taught by Hoepker. However, the Hoepker fastener uses a frusto-conical body or shank, whereas the shank claimed in the present invention is cylindrical.

The present amendment amends the requisite phrase in the paragraph beginning on page 9, line 11, of the specification from "a ballistic tip 40" to "an ogival-shaped (i.e., ballistic or bullet-shaped) tip 40," thereby defining and equating the terms "ogival-shaped," "ballistic," and "bullet-shaped" as used in the present application. Since an ogival-shaped tip is shown in FIGs. 1, 5, 6, and 6, no new subject matter is introduced. The Applicant respectfully requests reconsideration of the specification.

For the Claims:

The 26 August 2003 Office Action rejects claims 1-20. This Amendment amends claims 1, 13, and 20, and retains claims 2-12

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and 14-19 as previously submitted. The Applicant respectfully requests reconsideration of claims 1-20.

The Office Action rejects claims 1-20 under 35 U.S.C. 103(a) as being unpatentable over Dove et al., U.S. Patent No. 3,977,142 (hereinafter Dove) in view of Ditka et al., U.S. Patent No. 5,867,958 (hereinafter Ditka).

The present invention, prior to this Amendment, claimed initially a fastener having a "ballistic tip" and then a "bullet-shaped tip." The Examiner has asserted in previous Office Actions, and continues to assert in the present Office Action, that neither the term "ballistic" nor the term "bullet-shaped" unequivocally describes the shape of the fastener tip. The Examiner has pointed out that the term "ogival-shaped" does distinctly describe the shape of the fastener tip, and is supported by the Figures, which clearly show an ogival-shaped tip.

Neither Dove nor Ditka teaches a fastener having an ogival-shaped tip. Hoepker does teach a frusto-conical fastener having an ogival tip. However, the Hoepker fastener is otherwise sufficiently different from the present invention in both structure and application as to render a union of Dove and Ditka with Hoepker inobvious.

The Applicant amends independent claims 1, 13, and 20 to more clearly define the tip as ogival-shaped. The Applicant believes that independent claims 1, 13, and 20 are allowable as currently amended. The Applicant respectfully requests reconsideration of independent claims 1, 13, and 20.

Claims 2 through 12 depend, directly or indirectly, from independent claim 1, while claims 14 through 19 depend, directly

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or indirectly, from independent claim 13. Claims 2 through 12 and 14 through 19 are therefore allowable by reason of dependency. The Applicant respectfully requests reconsideration of claims 2 through 12 and 14 through 19.

Accordingly, this Amendment amends claims 1, 13, and 20. Currently amended claims 1, 13, and 20 remain in the application and are believed to be allowable. In addition, previously amended claims 5, 9, 10, and 15, and original claims 2-4, 6-8, 11, 12, 14, and 16-19 remain in the application and are believed to be allowable.

The Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections recited in the 26 August 2003 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Lowell W. Gresham". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

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